

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE LUIS OLIVAS LOPEZ,

Defendant.

ORDER

06-cr-222-bbc

Jose Luis Olivas Lopez has filed a “Motion for Sentence Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003.” The Non-Violent Offender Relief Act was a bill referred to the House of Judiciary Committee (HR 3575). It proposed an amendment to 18 U.S.C. § 3624 that would allow the Bureau of Prisons to release an offender under certain circumstances before the expiration of his sentence, but the amendment never became law. Therefore, I have no authority to grant defendant’s motion. Once defendant’s federal sentence was imposed in 2007, it became final and subject to change in only three circumstances: (1) the government were to move for a reduction under Fed. R. Crim. P. 35(b); (2) the sentencing commission were to enact a change in the sentencing guidelines that would affect defendant’s sentence; or (3) the court of appeals were

to overturn his sentence and return the case to this court for re-sentencing. None of those circumstances exist in defendant's case.

ORDER

IT IS ORDERED that defendant's Motion for Sentence Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003 is DENIED.

Entered this 16th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge